

## CONGRESSIONAL RECORD SUMMARY

Thursday, November 14, 2002

### PART II

#### SENATE

##### Measures Reported:

**S. 2480**, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns, with amendments.

**S. 2541**, to amend title 18, United States Code, to establish penalties for aggravated identity theft.  
*Pages S 11078-79, D 1148*

##### Executive Communications:

**EC-9473.** A communication from the Deputy Administrator, General Services Administration, transmitting, pursuant to law, *a Report of Building Project Survey, U.S. Court of Appeals, Atlanta, GA*; to the Committee on Environment and Public Works.

*Page S 11077*

##### S. 1742 - Restore Your Identity Act:

*Senate passed S. 1742, to prevent the crime of identity theft, and mitigate the harm to individuals victimized by identity theft*, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

*Pages S 11052-56, D 1148*

*Reid (for Cantwell) Amendment No. 4954*, in the nature of a substitute.

*Pages S 11056, D 1148*

##### S.J. Res. 53 - Relative to 108th Congress:

*Senate agreed to S.J. Res. 53*, relative to the convening of the first session of the One Hundred Eighth Congress.

*Pages S 11148, D 1149*

##### S. 2520 - Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act:

*Senate passed S. 2520*, to amend title 18, United States Code, with respect to the sexual exploitation of children, after agreeing to a committee amendment in the nature of a substitute.

*Pages S 11150-53, D 1149*

**H.R. 5005 - Homeland Security Act:**

*Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:*

*Pages S 11002-30 (Pt. I), S 11033-45, D 1150*

**Pending:**

*Thompson (for Gramm) Amendment No. 4901, in the nature of a substitute.*

*Pages S 11002-30 (Pt. I), S 11033-45, D 1150*

*Lieberman/McCain Amendment No. 4902 (to Amendment No. 4901), to establish within the legislative branch the National Commission on Terrorist Attacks Upon the United States.*

*Page S 11002-30 (Pt. I), S 11033-45, D 1150*

**Senate will continue consideration of the bill on Friday, November 15, 2002, with a vote to invoke cloture on Thompson (for Gramm) Amendment No. 4901, listed above.**

*Page D 1150*

**Nominations Confirmed:**

**Senate confirmed the following nominations:**

*John M. Rogers, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.*

*Stanely R. Chesler, of New Jersey, to be United States District Judge for the District of New Jersey.*

*William J. Martini, of New Jersey, to be United States District Judge for the District of New Jersey.*

*Ronald B. Leighton, of Washington, to be United States District Judge for the Western District of Washington.*

*Daniel L. Hovland, of North Dakota, to be United States District Judge for the District of North Dakota.*

*Thomas W. Phillips, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.*

*Linda R. Reade, of Iowa, to be United States District Judge for the Northern District of Iowa.*

*Alia M. Ludlum, of Texas, to be United States District Judge for the Western District of Texas.*

*Robert G. Klausner, of California, to be United States District Judge for the Central District of California.*

*James E. Kinkeade, of Texas, to be United States District Judge for the Northern District of Texas.*

*William E. Smith, of Rhode Island, to be United States District Judge for the District of Rhode Island.*

*Jeffrey S. White, of California, to be United States District Judge for the Northern District of California.*

*Kent A. Jordan, of Delaware, to be United States District Judge for the District of Delaware.*

*Mark E. Fuller, of Alabama, to be United States District Judge for the Middle District of Alabama.*

*Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia.*

*Robert B. Kugler, of New Jersey, to be United States District Judge for the District of New Jersey.*

*Jose L. Linares, of New Jersey, to be United States District Judge for the District of New Jersey.*

*Freda L. Wolfson, of New Jersey, to be United States District Judge for the District of New Jersey.*

*Pages S 11031-32 (Pt. I), S 11045-52, S 11056-57,  
S 11079, D 1151-52*

**Remarks:**

21<sup>st</sup> Century Department of Justice Authorization Act.

Leahy

*Pages S 11063-66*

## HOUSE

### Measures Introduced:

**H.R. 5744.** A bill *to amend title 11 of the United States Code, and for other purposes*; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Gekas

*Page H 9023*

**H.R. 5745.** A bill *to amend title 11 of the United States Code, and for other purposes*; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Gekas

*Page H 9023*

**H.R. 5750.** A bill *to amend the Immigration and Nationality Act to eliminate the restriction on judicial review of detention and release determinations and to provide a right to a bond hearing before an immigration judge to all aliens in removal and summary removal proceedings*; to the Committee on the Judiciary.

Meek

*Page H 9024*

**H.R. 5752.** A bill *to provide for the use or distribution of the funds awarded to the Minnesota Chippewa Tribe in Minnesota Chippewa Tribe v. United States, Docket Nos. 19 and 188, United States Court of Federal Claims*; to the Committee on Resources.

Oberstar

*Page H 9024*

### Memorials:

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**MEM - 430.** Also, a memorial of the Legislature of the State of Utah, *relative to House Joint Resolution No. 17 memorializing the United States Congress that the Legislature of the state of Utah approves the closure of the district court within the municipal boundaries of Murray City, Utah*; to the Committee on the Judiciary.

*Page H 9024*

**MEM - 438.** Also, a memorial of the Senate of the State of Michigan, *relative to Senate Resolution No. 242 memorializing the Congress of the United States that the legislature condemns the decision of the Ninth United States Circuit Court of Appeals that ruled that the Pledge of Allegiance is unconstitutional*; to the Committee on the Judiciary.

*Page H 9025*

## **Reports Filed:**

**H.R. 2458, to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget**, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

**“...SEC. 205. FEDERAL COURTS.**

**(a) Individual Court Websites.**--The Chief Justice of the United States, the chief judge of each circuit and district and of the Court of Federal Claims, and the chief bankruptcy judge of each district shall cause to be established and maintained, for the court of which the judge is chief justice or judge...” (Pages H 8965-66)

*Pages H 8944-83*

## **Executive Communications:**

**EC - 9978.** A communication *from the President of the United States, transmitting his requests for FY 2003 budget amendments for the Department of Justice* and the National Aeronautics and Space Administration; (**H. Doc. No. 107--281**); to the Committee on Appropriations and ordered to be printed.

*Page H 9019*

## **H.R. 5708. Reduction of Preexisting PAYGO Balances:**

*The House passed H.R. 5708*, to reduce preexisting PAYGO balances by recorded vote by 366 ayes to 19 noes, Roll No. 482.

*Pages H 8785-94, D 1154*

*Rejected the Moore motion* to recommit the bill to the Committee on the Budget with instructions to report it back to the House forthwith with an amendment that reduces balances in fiscal years 2002 and 2003 and further reduces all balances in succeeding fiscal years if the President submits a budget that projects an on-budget balance or an on- budget surplus by fiscal year 2008 by recorded vote of 187 ayes to 201 noes, Roll No. 481.

*Pages H 8791-93, D 1154*

**H. Res. 602**, the rule that provided for consideration of the bill was agreed to on Nov. 13.

*Page D 1154*

## **H.R. 3210. Terrorism Risk Insurance Act:**

*The House agreed to the conference report to accompany H.R. 3210*, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

*Pages H 8802-09, D 1154*

*“...The bill also avoids making this important economic package a Trojan horse for tort reform, a favorite of many in this body and many in the White House, some of whom worked long and hard for over a year to derail this bill in order to advance what I consider to be an ideological agenda at the expense of economic growth and the protection of American businesses. Rather, the bill before us tonight provides for prudent measures that protect the interests of taxpayers and maintains the legitimate rights of victims by, one, creating an exclusive Federal cause of action governed by applicable state law for all suits for property loss, personal injury or death arising out of a terrorist event; secondly, consolidating claims into a single Federal district court; and, third, ensuring that the Federal Government will not be directly or indirectly responsible in its role as a reinsurer for any punitive damages...” (LaFalce, page H 8803)*

*Earlier, agreed to H. Res. 607*, the rule that waived points of order against the conference report by voice vote.

*Page H 8738-41 (Pt. I), D 1154*

## **S. 1214. Port and Maritime Security Conference Report:**

*The House agreed to the conference report to accompany S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports--clearing the measure for the President.*

*Pages H 8809-14, D 1154*

*Earlier, agreed to H. Res. 605, the rule that waived points of order against the conference report by voice vote.*

*Pages H 8737-8 (Pt. I), D 1154*

**H.R. 4628. Intelligence Authorization Conference Report:**

*The House agreed to the conference report to accompany H.R. 4628, a bill to authorize appropriations for fiscal year 2003 for intelligence and intelligence- related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a yea-and-nay vote of 366 yeas to 3 nays, Roll No. 483.*

*Pages H 8814-22, D 1154-55*

*The conference report was considered by unanimous consent.*

*Pages H 8814, D 1155*

**Point of Order Sustained Against H.R. 333, Bankruptcy Conference Report:**

*The Chair sustained the Blunt point of order under clause 9 of rule 22 that the conference report to accompany H.R. 333, to amend title 11, United States Code, included matter outside the scope of the differences between the two Houses that were committed to the conference committee for resolution. Representative Blunt specifically cited section 331 of the conference report, which was described in the joint explanatory statement of the managers as having no counterpart in either the House bill or Senate amendment.*

*Pages H 8824-25, D 1155*

*Earlier, the House failed to agree to H. Res. 606, the rule that sought to waive points of order against the conference report to accompany H.R. 333, and against its consideration, by a yea-and-nay vote of 172 yeas to 243 nays, Roll No. 478.*

*Pages H 8742-57 (Pt. I), D 1155*

**H.R. 333, Bankruptcy Reform:**

*The House agreed to the Senate amendment to H.R. 333, to amend title 11, United States Code, with an amendment by a recorded vote of 244 yes to 116 noes, Roll No. 484. Earlier, Representative Gekas moved that the House recede from disagreement to the Senate amendment to the bill, and concur therein with an amendment that, in lieu of the matter proposed to be inserted by the Senate amendment, inserts the matter after the enacting clause in H.R. 5745, to amend title 11 of the United States Code, as introduced on November 14, 2002.*

*Pages H 8825-77, D 1155*

**H.R. 333, Bankruptcy Reform (Cont.):**

**Subtitle C--Other Consumer Protections**

**SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.**

**Section 110 of title 11, United States Code, is amended--**

*(8) in subsection (h)--*

*(B) by inserting before paragraph (2), as so redesignated, the following: "(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor;"*

*Pages H 8835-36*

**Consideration of Compound Request:**

**The Chair announced that he would entertain the following compound request under the Speaker's Guidelines** as recorded on page 712 of the House Rules and Manual with assurances that it has been cleared by the bipartisan floor and committee leadership. It was then agreed by unanimous consent that the House be considered to have:

- ***Discharged from committee and passed*** H.R. 5334, H.R. 5436, H.R. 5738, S. 1010, H.R. 5716, H.R. 5499, S. 2239, H.R. 5280, H.R. 5586, H.R. 5609, H.R. 628, H.R. 629, H.R. 3775, H.R. 5495, ***H.R. 5604 To designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse"***, H.R. 5611, H.R. 5728, and H.R. 5436;
- Taken from the Speaker's table and passed ***S. 3044***, a bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release, ***clearing the measure for the President;***
- Taken from the Speaker's table and concurred in the respective Senate amendments to ***H.R. 2621, to amend title 18, United States Code***, with respect to consumer product protection; ***H.R. 3609***, to amend title 49, United States Code, ***to enhance the security and safety of pipelines;*** ***H.R. 5469***, to amend title 17, United States Code, ***with respect to the statutory license*** for webcasting; and ***H.R. 3833***, to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes-***-clearing the measures for the President;***
- That the committees being discharged be printed in the Record, the texts of each measure and any amendment thereto be considered as read and printed in the Record, and that motions to reconsider each of these actions be laid upon the table. Further the Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bills.

*Pages H 8925-9007, D 1156*

**Committee to Notify the President:**

**The House agreed to H. Res. 615**, providing for a committee of two members to be appointed by the House to inform the President. Subsequently the Chair appointed Representatives Armey and Gephardt to the Committee.

*Pages H 9008, D 1156*

**Resignations--Appointments:**

**Agreed that notwithstanding the adjournment of the Second Session of the One Hundred Seventh Congress,** the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

*Pages H 9008, D 1156*

**S.J. Res. 53, Convening of the First Session of the One Hundred Eighth Congress:**

***The House passed S.J. Res. 53, relative to the convening of the first session of the One Hundred Eighth Congress at noon on Tuesday, January 7, 2003.***

*Pages H 9008, D 1156*

**Referrals:**

**S. 2845**, a bill to extend for one year procedural relief provided under the USA PATRIOT Act for individuals who were or are victims or survivors of victims of a terrorist attack on the United States on September 11, 2001 was referred to the Committee on the Judiciary; **S. 3067**, ***a bill to amend title 44, United States Code, to extend certain Government information security reform for one year, and for other purposes was referred to the Committee on Government Reform***; **S. 1742**, ***A bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes was referred to the Committees on the Judiciary and financial Services***; **S. 3044**, a bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release; **S. 2520**, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children, were held at the desk.

*Pages H 9018-19, D 1156-7*

**Next SENATE MEETING: Friday, 9:45 a.m., November 15, 2002.**

**Next HOUSE MEETING: Tuesday, 12:00 p.m., November 19, 2002.**

**OLA: S. Schwarz, A. Santos**